

From: [Johnson, Laura](#)
To: [LIVERMAN Alex](#); [Muza, Richard](#)
Cc: [MCCLINCY Matt](#)
Subject: RE: US Army Corps stormwater sampling results
Date: Monday, December 16, 2013 8:38:52 AM
Attachments: [2013-10-15 pre enforcement referral monitoring requirements.pdf](#)
[2013-10-15 NON failure to meet tier 1 reporting requirements.pdf](#)
[2013-10-15 NON sampling procedure requirements.pdf](#)
[FINAL & Signed Stormwater NCL Response.pdf](#)
[usace_data.xls](#)

Hey Alex,

USACE also had additional referrals. The DEQ OCE has not issued them a formal letter, but it is under development at the moment. Steve Siegel is the OCE staff member assigned to the referral. See attached. There is a thing called "sovereign immunity" that USACE may qualify for, meaning that they may not have to pay a penalty. The enforcement letters and the response from USACE are attached. The PCBs from samples collected last year were non-detect. PAHs a few were detected. see attached. It is unfortunate that their stormwater pathway evaluation is so inadequate. I would also like to say that their dock is covered in chipping paint and they have potential plans to remove/replace it.

LJ

From: LIVERMAN Alex [mailto:liverman.alex@deq.state.or.us]
Sent: Friday, December 13, 2013 1:31 PM
To: Johnson, Laura; 'Muza, Richard'
Cc: MCCLINCY Matt
Subject: RE: US Army Corps stormwater sampling results

Hi Laura and Rich.

I've finally had a chance to connect with the EPA PM, Mark Ader (who has now taken another position) and reviewed the RI/FS for US Moorings looking for stormwater pathway evaluation and source control measures, per the request in the email chain below. Unfortunately, the investigation did not follow DEQ's Guidance for Evaluating the Stormwater Pathway at Uplands Sites. It appears that stormwater investigation was limited to solids samples at an ODOT catch basin on St Helens Rd (which is then piped under the site) & drywells in the industrial area (SE corner) of the site; stormwater samples the ODOT catch basin, a French drain in the north end of the site, and a seep in riprap near the middle of the site; and shallow soil samples throughout the site where soils are erodible. They also smoke/dye/visually tested the 21 outfalls from the site, determining that 6 were inactive.

While USACE did remove the dry wells, no other investigation or source control action was taken in the industrial area, so stormwater and solids from the stormlines and the 2 outfalls from the o/w separators monitored under the 1200Z permit were not characterized. The selected remedy to prevent stormwater from eroding contaminated soils was a vegetated buffer along the bankline from the northernmost portion of the site to the "cove" area where the industrial portion begins. Preferential groundwater pathway to the river in or around pipes was not evaluated. This is of concern in the industrial area abutting a groundwater plume from next door and amid historic and on-going industrial activities, as well as in the rest of the site where stormwater sheet flows or infiltrates through contaminated soils.

PAHs are the driving contaminant in site soils, but As, Cd, Cr, Pb, Ni, PCBs, TBT, and DDT also significantly exceed screening values and DEQ's "typical" curves (for parameters they are available for). All of these (and more) are of concern for the AOPC 9A just offshore here.

Given the 1200Z monitoring data with exceedances for Cu, Zn, Cd, Cr, Ni (how do the PAHs look?), lack of implementation of the BMPs required by their SWPCP, and the likelihood that Tier 2

corrective actions will be required, it looks like the industrial portion of the site (SE corner) will eventually get on-going stormwater issues addressed. Unfortunately, these may be impacted by legacy issues and line cleanouts or other source control actions may be warranted there. Not sure if the vegetated buffer will address the stormwater pathway at the rest of the site, though it should certainly help with the overland flow pathway.

Rich, how will EPA view this lack of source control of the stormwater pathway being addressed?

While sites DEQ leads are tasked with demonstrating adequate characterization and control of all potential stormwater contributions (including the preferential groundwater path in and along pipes), there appears to be some significant gaps at this site leading to on-going discharges of contaminants in exceedance in the AOPC. How should we report this site in our forthcoming PH Upland SC Summary Report?

I attached my earlier email to Mark Ader requesting that we assess options for joining our regulatory abilities to support better communication between the Corps cleanup and on-going stormwater control staff. As the City has issued a pre-enforcement notification (attached) that will likely get referred to DEQ, we should collectively discuss potential paths forward that would help us meet source control goals for this site.

Thanks for your consideration of these issues. Please let me know your thoughts on coordinating on this further.

--Alex

From: Johnson, Laura [mailto:Laura.Johnson@portlandoregon.gov]

Sent: Monday, October 07, 2013 12:03 PM

To: LIVERMAN Alex

Subject: US Army Corps stormwater sampling results

Hey Alex,

I wanted to take a few minutes to go over the USDOD, Army Corps, Dredge Facility, located at 8010 NW St Helens Rd with you. I was wondering if the facility has any direction or requirement from the EPA regarding stormwater treatment?

The facility routinely met the permit benchmarks under the old 1200Z permit, but now with the lower benchmarks they are not. Their stormwater results from the 2012-2013 monitoring year from their Outfall B show elevated levels of Copper and Zinc. Iron from Outfall A is also very elevated. The facility will likely fall in to the tier 2 category next year, unless pollutant concentrations decrease. There are also detectable concentrations of cadmium, chromium and nickel. I did not take the time to compare these with the screening levels, but it is uncommon for facilities to have detectable concentrations of these pollutants in my review of the dataset of permits I manage. A summary of their dataset is attached.

In my opinion stormwater is currently an uncontrolled source of pollutants to the river at this time.

The local contacts do not have a lot of involvement with the clean-up program, so perhaps the solution to their stormwater problems is already being considered? My concern is that the two programs, Clean up and Water Quality are not overlapping, and perhaps it would be useful if they did. It would be silly for the local staff implementing the 1200Z staff to hire a consultant or an engineer to come up with a treatment system solution if one is already under development for the Clean-up Program.

Overall, they are not doing a very good job implementing their 1200Z permit in general. The preparation of Tier 1 reports, the implementation of the SWPCP and of facility visual observations, and of sampling did not meet requirements. I inspected them last week and sent them the attached follow up letter.

Additional enforcement letters pertaining to the 2012-2013 DMR will be issued in the upcoming weeks.

Thank you.

Laura J.

Laura Johnson

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